

## Hiring Foreign Nurses

by John R. Wilson, Esq. Goff and Wilson, P.A.

Welcome to our new column addressing immigration issues affecting the healthcare industry. This column will appear in every issue and will focus on current immigration matters. Please feel free to submit questions to Mr. Wilson via e-mail as noted below.

**Q:** Our facility needs RNs and we are considering hiring foreign nurses. We have heard that the immigration process can take a long time. Is this true?

**A:** The normal processing time is on average 8-10 months if all exams are complete. The first step is to find an RN that would like to work for your facility through a nurse recruitment agency. A good recruitment agent can save you months in the immigration process. Once the RN has been identified, several steps occur concurrently including filing an application with the Bureau of Citizenship and Immigration Services (formerly the INS), while the recruitment agent will be working with the RN in securing passing scores on nursing examinations and English language requirements. The next step would be for the RN to process at the US Consulate abroad. This can take several months, depending upon how busy the Consulate is and how efficient the recruiter is.

The final step will be for the RN to enter the US as a resident alien. If the RN has already passed the NCLEX RN licensing exam for the state where your facility is located, the RN may immediately begin working. If the RN has not yet taken and passed the exam, the RN would be required to do so before working as an RN, but would be eligible to work in other capacities not requiring licensure.

Congress currently has a bill pending in committee which would greatly increase the number of H-1C non-immigrant (temporary) visas for RNs. We are hopeful that this bill will become law within the next several months. If it does so, it will allow nearly 200,000 RNs on an annual basis to enter the US. As with the green card process, testing requirements will be strict. However, with the use of a Premium Processing service with the BCIS (which will cost more money), an application could be approved in as little as two weeks, and the nurse could be at your facility working within less than two months. We will keep you posted as to these developments. ■

---

*John R. Wilson, Esq. has been in active practice for the last 20 years, focusing on immigration law. He is also an adjunct faculty for the Graduate School of Business at Southern New Hampshire University. Goff and Wilson, P.A., PO Box 347, Concord, NH 03302; phone (800) 717-8472; jwilson@goffandwilson.com.*

*Goff & Wilson*

